

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-14342 - APPLICANT: CASINO CENTER PROPERTIES
- OWNER: CASINO CENTER PROPERTIES, LLC, ET AL**

**** CONDITIONS ****

The Planning Commission (5-2/lb/bg vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the Conditions for General Plan Amendment (GPA-14325), Rezoning (ZON-14338), Variance (VAR-14345), Variance (VAR-14347), Special Use Permit (SUP-14339), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow no setback beyond the building setback line where a 1:1 setback to height ratio is required along a street classified as a collector or larger in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14345, VAR-14347, SUP-14339, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The structure as designed does not comply with the additional setback that is required along Charleston Boulevard. Since there aren't any exceptional characteristics of the development parcel that warrant the Variance, and the hardship is self-created, staff cannot support the request.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|---|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9 th Street. The Planning Commission recommended approval of the request on 04/13/72. |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 th Street. |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 th Street. |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |
| 09/07/06 | The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14345 and SDR-14349 concurrently with this application. |

09/07/06 The Planning Commission voted 5-2/ld/bg to recommend DENIAL (PC Agenda Item #19/ff).

B) Pre-Application Meeting

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. Additionally, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meetings

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.05

B) Existing Land Use

Subject Property:	Single-Family Residential Use
	Office Use
	General Commercial Use
North:	Office Use
South:	Office Use
	General Commercial Use
East:	Single-Family Residential Use
	Office Use
	General Commercial Use
West:	Single-Family Residential Use
	Office Use

C) Planned Land Use

Subject Property: C (Commercial) and MXU (Mixed-Use) [Proposed: C (Commercial)]
North: MXU (Mixed-Use)
South: C (Commercial)
East: C (Commercial)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]
North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)
South: C-1 (Limited Commercial)
East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)
West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

E) General Plan Compliance

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08.030(C), building heights along streets classified as a collector or larger are subject to additional setback requirements. Buildings may be constructed up to 35 feet in height at the front yard setback line; any portion of a building over 35 feet in height shall be set back an additional one foot for each foot of height in excess of 35 feet. Charleston Boulevard is designated as a Primary Arterial by the Master Plan of Streets and Highways, and so the additional setback applies to the Charleston frontage of the project.

The south tower as proposed is located at the 20-foot front yard setback line along Charleston Boulevard, and rises for 170 feet without any additional setbacks. The east tower is located approximately 25 feet from the front property line along Charleston Boulevard, and rises for 195 without any additional setbacks. Neither structure complies with the requirements of Title 19.08.030(C), requiring the submittal of the Variance request.

B) *General Analysis and Discussion*

The mixed-use development will have two tower structures; a 14-story tower facing Charleston Boulevard, and a 17-story tower facing 10th Street. Both towers are subject to the additional setback requirements. In order to comply with the regulation, the south tower would need to be set back a minimum of 135 feet from the front yard setback line, and the east tower would need to be set back an additional 160 feet from the front yard setback line on Charleston Boulevard. In lieu of the additional setbacks, the towers could also be sloped back from the front setback line at a 45-degree angle, and would be in compliance with the requirement.

The applicant states that the requirement prevents any reasonable commercial development of the site. While conformance to Code requirements may reduce the number of units developed, it would also assist in reducing the massing of the project, and make it more compatible within its context and with the existing structures in the neighborhood.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship in designing the building contrary to Code requirements. Stepping the building back from the front setback line at Charleston Boulevard would allow conformance to Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 294 by City Clerk

APPROVALS 3

PROTESTS 1